

Remarks

This Amendment After Final Rejection and these remarks are being submitted in response to the Office Action mailed in this application on September 28, 2007. A request for a two-month extension of time and a Notice of Appeal accompany this Amendment. When entered, claims 5, 8-10, 14, 15, 19 and 20 will be amended. Claims 5, 6, 8-10, 14, 15 and 18-20 are pending in this application. Entry of this Amendment and reconsideration of this application are respectfully requested.

Claims 5, 6, 8-10, 14, 15 and 18-20 were rejected under 35 U.S.C. §112, second paragraph. Once again, according to the Action, the claims are confusing for reciting that the barrier aerosol [vessel] is "self-sealing", and once again Applicants disagree. In fact, it still appears to Applicants that the expression is well defined and quite clear. It is noted that the Action explains that the expression "is interpreted to have its 'ordinary and customary meaning' ", and the Action explains in detail the examples provided in the specification. Nothing seems unclear.

Further, it is asserted in the Action that the expression is not explicitly defined in the specification. That is not required. It is also asserted in the Action that neither the claims nor the specification define or require the self-sealing valve to have a particular structure. That is not required either.

Still further, it is asserted in the Action that the specification sets forth [at least] two types of "self sealing". No examples are required. Even though none are required, it is admitted in the Action that some are given. Accordingly, Applicants submit that the claims more than comply with the requirements for which they are being rejected.

Still, in an effort to satisfy the Examiner, Applicants have included an amendment to the claims, inserting: ", under positive pressure, which minimizes contamination," into the claims.

Therefore, for all these reasons, Applicants request that this rejection be withdrawn. anticipated under 35 U.S.C. §103(a) as being unpatentable over the combination of EP0666081 ('081), U.S. Patent No. 3,788,521 ('521) and U.S. Patent No. 3,976,223 ('223). Applicants traverse this rejection.

The Action appears to indicate a continued misunderstanding of the invention and a reformulation of a prior rejection. While '081 does disclose a gel, '081 does not disclose a method of, and a vessel, for safely and efficiently dispensing multiple doses of wound-treating gel where the gel is in gel form in the container, and the vessel's self-sealing characteristic minimizes the contamination of the gel after the use of the vessel.

'223 is cited allegedly to show an aerosol container containing a gel. However, the purpose of the package of '223 is to separately store a plurality of flowable substances in a single package from which such substances may be dispensed. According to '223, only the lower chamber of the outer container is pressurized with a gas through a self-sealing plug in the container bottom. See, *e.g.*, column 2, lines 53-57. Since only the lower chamber of the outer container of '223 is pressurized with a gas through a self-sealing plug, the container in '223 is not self-sealing as required in the rejected claims. Moreover, it is submitted that '223 does not address the avoidance of contamination during use. Rather, any avoidance of contamination appears to be with respect to storage. See, *e.g.*, column 5, lines 23-32 and column 6, lines 8-13.

The addition of '521 does not make up for the deficiencies of the other two documents. It is cited in the specification as showing one example of the general "type" of vessel used. However, as noted in the action, '521 does not teach delivering gel.

It is asserted in the Action that this is simply an argument against the references individually. However, contrary to that position, Applicants submit that they *must* provide comments on the cited art. Explaining the inapplicability of a piece of art does not, in and of itself, mean Applicants are arguing that piece by itself.

According to the Action, "US '223 is relied upon for teaching gel can be delivered from a pressurized aerosol container." Applicants have explained why the actual teaching of US '223 is inapplicable here. As noted above, the purpose of the package of '223 is to separately store a plurality of flowable substances in a single package from which such substances may be dispensed. To say that "[I]t necessary (*sic*) follows from the teaching of EP '081 and US '223 that one would use (*sic*) single compartment vessel when there was no issue of reactivity or degradation of components of the composition" guts the whole teaching of US '223. Consequently, the combination of EP '081 and US '223 cannot teach what it is said to teach. Then, throwing in US '521,

which actually shows one example of the general "type" of vessel used, does nothing to rehabilitate what is not taught by the combination of EP '081 and US '223. In view of all that, the combination of EP '081, US '223 and US '521 cannot teach the claimed invention to one of ordinary skill in the art.

For all these reasons, Applicants request that this rejection be withdrawn.

In view of the foregoing, entry of this amendment, reconsideration of this application, withdrawal of the rejections and allowance with all the pending claims are respectfully requested.

Respectfully submitted,

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